

Press Release

Inter-American Court of Human Rights
I/A Court H.R._PR-83/2023 English

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I/A Court H.R.
Protecting Rights

INTER-AMERICAN COURT OF HUMAN RIGHTS WILL HOLD ITS 163RD REGULAR SESSION



San José, Costa Rica, November 10, 2023. The Inter-American Court will hold its 163rd Regular Session from November 13 to 29, 2023.

During this session it will deliberate the judgment in six contentious cases being heard by the Court and two public hearings will be held. The session will be hybrid, including both virtual and in-person activities.

I. Judgments

The Court will deliberate on the following Contentious Cases:

1. Case of La Oroya Community v. Peru

This case concerns the international responsibility of the State for the damages caused to a group of inhabitants of La Oroya Community, as a consequence of pollution caused by a metallurgical complex in the community. The overall claim is that Peru's non-compliance with its international obligations allowed the mining activity to generate high levels of pollution that seriously affected the health of the alleged victims. In this regard, the State failed to comply with due diligence in its duties to regulate, supervise and oversee the behavior of both private and public companies regarding the potential jeopardizing of the human rights of the community's inhabitants, as well as the general obligation to prevent human rights violations. Moreover, it is claimed that the State

failed to adopt adequate measures to address the risks that environmental pollution poses to the children's health in the community. In addition, Peru failed to guarantee public participation and the right of access to information of the alleged victims in decisions that affect them directly, nor did it investigate the threats, harassment and retaliation against the alleged victims. The State thus allegedly failed its immediate obligations on the rights to a healthy environment and to health, as well as its obligation to progressively achieve the full realization of those rights.

Further information on this case can be accessed [here](#).

2. Case of Airton Honorato v. Brazil¹

This case relates to the alleged responsibility of the State for the violent death of 12 individuals (José Airton Honorato, José Maria Menezes, Aleksandro de Oliveira Araujo, Djalma Fernandes Andrade de Souza, Fabio Fernandes Andrade de Souza, Gerson Machado da Silva, Jeferson Leandro Andrade, José Cicero Pereira dos Santos, Laercio Antonio Luis, Luciano da Silva Barbosa, Sandro Rogerio da Silva and Silvio Bernardino do Carmo) at the hands of military police members of "Grupo de Repressão e Análise dos Delitos de Intolerância" (Group of Repression and Analysis of Crimes of Intolerance; hereinafter "GRADI"). In this context, GRADI acted with the intelligence service of the military police.

On March 5, 2002, in Castelinho, located in the vicinity of the city of Sorocaba, São Paulo, GRADI and the military police carried out an operation known as "Castelinho" against "Primeiro Comando da Capital" (PCC), allegedly the main criminal organization in the city of Sorocaba. The Military Police allegedly surrounded the place with approximately one hundred policemen. Moreover, the Inter-American Commission claims that more than 700 shots were fired.

The case also refers to the alleged lack of due diligence and a reasonable term of the investigations and proceedings carried out as a result of the facts.

Further information on this case can be accessed [here](#).

3. Case of Tavares Pereira et al. v. Brazil²

This case relates to the alleged responsibility of the State for the murder of rural worker Antonio Tavares Pereira and the injuries allegedly sustained by 185 other workers, members of the Landless Rural Workers' Movement (MST), by military police officers. The facts took place on May 2, 2000, in the state of Paraná, during a march for agrarian reform by the workers. The case also refers to the alleged impunity of the facts to date and falls within a suspected context of violence in response to the demands for land and agrarian reform in Brazil.

The Commission concluded that the State did not provide an explanation that would allow it to consider that the death of Mr. Tavares Pereira was the result of a legitimate use of force. It noted that the shot fired by the police officer that caused the death of Mr. Tavares Pereira did not have a legitimate purpose, nor was it suitable, necessary or proportional.

Further information on this case can be accessed [here](#).

The Court will begin deliberating the Judgment on the following Contentious Cases:

4. Case of Viteri Ungaretti et al. v. Ecuador

This case concerns the alleged international responsibility of the State of Ecuador for the reprisals endured by Julio Rogelio Viteri Ungaretti, member of the Armed Forces, and his family. These reprisals allegedly occurred as a result of a complaint about serious irregularities in the public administration and acts of corruption within the Armed Forces made by Mr. Viteri in November 2001. It deals with the structural relationship between freedom of expression and democracy, particularly freedom of expression as a means of denouncing acts of corruption. It considers whether the actions, communications and complaint of Mr. Viteri, in his role as whistleblower, are

protected by the right to freedom of expression, and whether the actions adopted by the State were justified or they entailed a disproportionate restriction of the right to freedom of expression. The Commission claimed that the State of Ecuador is responsible for the violation of the rights to freedom of expression, judicial protection and personal liberty to the detriment of Mr. Viteri, as well as the violation of the right to movement and residence, right to psychological and moral integrity of Mr. Viteri and his family.

Further information on this case can be accessed [here](#).

5. Case of Cajahuanca Vásquez v. Peru

This case relates to alleged violation of treaty obligations during a disciplinary procedure that ended with the removal of Mr. Humberto Cajahuanca Vásquez from his position as justice of the Superior Court of Justice of Huánuco. The State allegedly violated the principle of legality and favorability, given that the grounds for removal applied were very broad and did not refer to specific behaviors that would be reprehensible from a disciplinary perspective and because Mr. Cajahuanca was given the most severe punishment even though the laws in effect contemplated a less severe option. The Commission also claims the violation of the principle of judicial independence and the right to adequate grounds, since the disciplinary decision did not provide clear grounds on why the actions of the alleged victim required the more severe punishment.

Further information on this case can be accessed [here](#).

6. Case of Gutiérrez Navas et al. v. Honduras

The case relates to the alleged international responsibility of the State of Honduras for the purported arbitrary and illegal removal of José Antonio Gutiérrez Navas, José Francisco Ruiz Gaekel, Gustavo Enrique Bustillo Palma and Rosalinda Cruz Sequeira from their positions as justices of the Constitutional Chamber of the Supreme Court of Justice of Honduras. According to the information provided, the facts of the case took place between 2012 and 2014. It is claimed that at the time when the alleged victims were removed from their positions, Honduras did not have legal procedures in place regulating the jurisdiction of justices or the sanctioning procedure of a political nature to which they were subjected.

Consequently, it is claimed that in violation of the guarantees recognized in Article 8 of the American Convention on Human Rights the National Congress created an ad hoc mechanism aimed at removing from office the aforementioned judicial authorities (justices). Moreover, Article 205, paragraph 20, of the Constitution of Honduras indicates that Congress has the power to approve or disapprove the administrative conduct of the justices, which is a very broad regulation that does not specify which conducts would be reprehensible from a disciplinary perspective. Therefore, the lack of predictability allowed Congress excessive discretion, which is directly contrary to the principle of freedom from ex post facto laws. In addition, the alleged victims did not have the opportunity to be heard and prepare an adequate defense, since they were not summoned to exercise their right or notified in advance of any accusation or the opening of a disciplinary procedure.

Further information on this case can be accessed [here](#).

II. Public Hearings

The Court will hold a public hearing in a Contentious Case and in a Request for an Advisory Opinion. The hearings will be live streamed through the Inter-American Court's social media channels.

1) Case of Cuéllar Sandoval et al. v. El Salvador

This case refers to the alleged international responsibility of the State of El Salvador for the alleged forced disappearance of Patricia Emilie Cuéllar Sandoval, Mauricio Cuéllar Sandoval and Julia Orbelina Pérez, as well as the alleged lack of due diligence in the investigation and impunity of the

facts. Patricia Emilie Cuéllar Sandoval was an active collaborator of Christian movements and worked for Christian Legal Aid (Oficina del Socorro Jurídico Cristiano) from 1979 to 1980. Between August and September 1978, approximately 50 officers of the National Police, dressed as civilians and heavily armed, entered and searched her home and took pictures. On July 5, 1980, several agents of the police and armed forces also entered and searched her place of work. The National Police, in its report on the search, qualified the members of the organization as “subversive,” which led the victim to resign from her position. On July 27, 1982, one day before her alleged disappearance, Ms. Cuéllar went to the offices of Christian Legal Aid to report that while driving her car she was chased by officers who were dressed as civilians. The following day, armed men in military uniforms searched Ms. Cuéllar’s apartment and took several appliances, personal documents and her car. During the night of July 28, 1982, and dawn of the next day, Mauricio Cuéllar Cuéllar, father of Patricia Cuéllar, and Julia Orbelina Pérez, domestic worker, were violently removed from his home.

Further information on this case can be accessed [here](#).

The in-person public hearing will take place on Wednesday, November 22, 2023, at 9 am (Costa Rica time).

2) Request for an Advisory Opinion on “The activities of private companies engaged in the firearms industry and their effects in human rights”

The public hearing on the Request for an Advisory Opinion on “The activities of private companies engaged in the firearms industry and their effects in human rights,” submitted by Mexico, will be held on November 28 and 29, 2023, at 9 am (Costa Rica time).

More information on the Request for an Advisory Opinion please can be accessed [here](#).

III. Monitoring Compliance with Judgments, Provisional Measures and administrative matters

The Court will also monitor compliance with various judgments and the implementation of provisional measures that it has ordered, as well as procedural issues in various Contentious Cases. It will also address several administrative matters.

The Court’s composition for this Regular Session will be as follows: Judge Ricardo C. Pérez Manrique President (Uruguay), Judge Eduardo Ferrer Mac-Gregor Poisot Vice President (Mexico), Judge Humberto Antonio Sierra Porto (Colombia), Judge Nancy Hernández López (Costa Rica), Judge Verónica Gómez (Argentina); Judge Patricia Pérez Goldberg (Chile) and Judge Rodrigo Mudrovitsch (Brazil).

¹ Judge Rodrigo Mudrovitsch, of Brazilian nationality, will not participate in the deliberation of this Judgment, in conformity with Art. 19 of the Rules of Procedure of the Court.

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